



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL  
Executive Secretary  
Telephone  
235-1664

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

84-75

Petition of Ovidio & Ines Verdelli  
10 Everett Street

The Special Permit Granting Authority held a Public Hearing on Thursday, January 17, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of Ovidio and Ines Verdelli requesting a Special Permit for Site Plan Approval under Section XVIA and a Density Bonus under Section XVIII-D and IIIA-A-2(k) of the Zoning Bylaw for the construction of one additional dwelling unit at 10 Everett Street which presently contains three dwelling units, located in a General Residence District, said lot containing 18,070 square feet of land. Said request is pursuant to Section IV and XXV of the Zoning Bylaw.

On December 20, 1984, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was C. Joseph Grignaffini, who presented a revised site plan showing adjustments made to satisfy requirements of the Department of Public Works. He explained the plans for the project. Upon questioning about the garages and parking spaces, he stated that in order to construct a garage with the new unit, another curb cut would be required and the property would not be as attractive. He stated that any garage requirements for the proposed new unit could be satisfied, if required. He stated that the Planning Board and Design Review Board had not discussed the necessity of an interior garage, and he wondered why the Board of Appeals was saying an interior garage was required now.

No others were present at the hearing either favoring or opposing the petition.

Statement of Facts

The property in question is located at 10 Everett Street, in a General Residence District, containing 18,070 square feet of land, owned by Ovidio and Ines Verdelli. The property contains a single family house (#10), a two-family duplex (#10A and 10B), a two-car detached garage and a one-car detached garage. The property abuts a Business District on the southerly property line. C. Joseph Grignaffini is representing Mr. and Mrs. Verdelli in the petition before the Board of Appeals.

A petition to the Board of Appeals in 1976 (ZBA Case 76-25) by Ovidio & Ines Verdelli to allow the construction of three town houses in addition to the existing dwelling at 10 Everett Street was denied. The Verdelli's subsequently constructed a two-family duplex on the property in addition to their existing single

RECEIVED  
TOWN OFFICE  
MAY 19 1985

Petition of Ovidio & Ines Verdelli  
10 Everett Street

dwelling.

Permission was granted to Mr. Verdelli by Dedham District Court, Clerk of Courts John Devine, in 1982 to allow commercial motor vehicles and landscaping equipment associated with Mr. Verdelli's business to be garaged at 10 Everett Street.

Two driveways presently provide access to the property, one from Westerly Street across the property of Barbara MacFadden, 12 Everett Street. The other driveway is an existing common driveway (right of way) from Everett Street, partially owned by Barbara MacFadden, 12 Everett Street and partially owned by Ovidio Verdelli.

The proposed new townhouse unit unit (#4) would be a two-story unit approximately 26 feet by 28 feet, attached on the westerly side to the existing two-family duplex, separated from the existing single family structure by 5.42 feet. Total parking proposed would include 7 outside spaces and 3 garage spaces. Total ground cover would be 5,124 square feet or 28.35%, total open space 12,946 square feet or 71.65%.

A Density Bonus under Section IIIA-A-2(k) and XVIIID is requested to allow four town house units on the lot containing 18,070 square feet, the requirement being 20,000 square feet for four units.

A Special Permit for Site Plan Approval is requested under Section XVIA.

A Site Plan (S-1) was submitted, dated 12/6/84, a revision of which was submitted at the Public Hearing on 1/17/85, drawn by Carmelo Frazetti, Registered Land Surveyor, showing proposed landscaping and parking. Construction drawings of the existing and proposed structures were submitted (A-1 through A-6) drawn by Wellesley Design Architectural Service, 148 Linden Street, Wellesley, dated 12/6/84.

Site plans and other submission material were sent to the Design Review Board, Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and Fire Chief, as required by Section XVIA. Written responses were received and are on file and the Board of Appeals officie.

The Design Review Board held a preliminary review on November 29, 1984 and a final review on December 13, 1984 and commented on the plans in a letter of December 14, 1984.

Stephen A. Black, Fire Chief, in a letter of 1/4/85, stated the following: "Access to the front (north)of the existing 2 family be guaranteed. At present the corners of the right of way from Everett St. are too sharp for the apparatus to negotiate. It appears from the plot plan that the present driveway from Westerly St. is on another's land and that the driveway from Everett St. is partially on another's land with a notation that it is a right of way. Legal assurance that that right of way would always exist and that the corners could be widened is a necessity."

The Planning Board, at its meeting of January 8, 1985, recommended approval of the plans with qualifications for fire safety considerations.

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting a Special Permit for Site Plan Approval and a Density Bonus to construct another dwelling unit in addition to the three existing units at 10 Everett Street, in a General Residence District.

Section XVIII (Area Regulations) of the Zoning Bylaw states:

"D. Ratio of Families to Lot Area.

1. In General Residence Districts and General Residence Districts A there shall be provided for each dwelling hereafter constructed or placed therein a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation district in which the building is located, whichever is greater"

In 1984 the Town Meeting added a new sentence at the end of Para.D.1 as follows:

"Except that town houses may be constructed at a ratio of not less than four thousand (4000) square feet for each dwelling unit in accordance with and subject to the provisions of SECTION IIIA. TOWN HOUSE DISTRICTS. paragraph 2, subparagraph k. DENSITY BONUS."

Section IIIA-A-2 (k) (Density Bonus) states:

"Upon the granting of a special permit as provided in Section XXV town houses may be constructed at an increased density in conjunction with the provisions of additional usable open space through the placement of parking within garages within the town house structures or with roofs usable as patios or other open areas, subject to conformity with each of the following requirements:....."

It is the opinion of this Authority that "through the placement of parking within garages within the town house structures" is intended to be a requirement of all proposed projects requesting a Density Bonus. Therefore, this plan should have incorporated two garage spaces within the proposed new structure.

In addition, the entire property should conform to this requirement for garages, and a total of eight garages should be provided to accommodate the four dwelling units on the property.

A previous Board of Appeals in 1976 had concerns about the development of the property at 10 Everett Street. This Board continues to be concerned about the density and overuse of the property.

The Verdellis petitioned this Authority in 1976 (ZBA Case 76-25) to allow construction of three townhouses in addition to the existing dwelling at 10 Everett Street. The petition was denied on the basis that the area was already heavily congested, that there was insufficient space for access to garages and due to concern for accessibility of fire equipment and fire safety in general. The Verdellis subsequently constructed a duplex two-family unit on the property in addition to their existing single family dwelling.

55-111-05  
PLANNING OFFICE

At the present time the property contains a single family house, a two-family duplex, a one-car garage which the petitioner states would be razed, and a two-car garage which is used to house motor vehicles and landscaping equipment associated with Mr. Verdelli's commercial business.

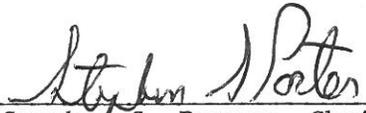
The access driveway to the property is a right of way partially over the property at 12 Everett Street and the Fire Chief has expressed concern about its use. This Authority has concerns about an expanded use of an already over-used right of way.

Based on the previous denial by the Board of Appeals concerning the use of the property, the present dense use of the property, the existence of commercial vehicles and equipment at 10 Everett Street, the heavy congestion in the area, and the fact that the plan did not include eight parking garages as described in Section IIIA-A-2(k) of the Zoning Bylaw, this Authority is of the opinion that the application for a Density Bonus on this site is inappropriate.

Therefore, this Authority unanimously denies the application for Site Plan Approval under Section XVIA and the Density Bonus under Section XVIII-D and IIIA-A-2(k) and the petition is hereby dismissed.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
mam

  
Stephen S. Porter, Chairman

  
Robert R. Cunningham

  
William E. Polletta

RECEIVED  
PLANNING BOARD  
MAY 12 11 49 AM '85  
TOWN CLERK'S OFFICE